IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6731 OF 2005

1. Sadashiv Tamma Kulkarni and anr. .. Petitioners

Vs

Bhimrao Dhanaji Kulkarni .. Respondent

Mr Anilkumar Patil, for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 05.10.2005.

PC:

1. Heard the learned counsel for the petitioners.

2. Mr Patil, learned counsel for the petitioners, on instructions from his client who is present in the court, states that the petitioners would deposit fifty percent of the total arrears in the lower Court within eight weeks. The statement of Mr Patil is accepted. On the petitioner depositing the sum aforestated in the lower Court within eight weeks from today and upon production of a copy of the receipt thereof in this Court, the office to issue notice to the respondent

making it returnable in four weeks therefrom. Notice, to be issued to the respondent, shall indicate the deposit made by the petitioners and that the respondent shall have a liberty to withdraw the said amount. If the petitioners fail to deposit the aforesaid sum within the time stipulated, this petition shall stand dismissed for nonprosecution without further reference to the Court.

3. The order of attachment shall not operate if the petitioners desire to withdraw the sum for depositing in the Court as per this order and in that case the Bank shall directly deposit the said amount in the Court.

(D.B.BHOSALE, J.)